FINDINGS OF FACT AND CONCLUSIONS OF LAW

.

This matter comes before the Zoning Commissioner as a Petition for Administrative Variance filed by the owners of the subject property, Charles M. and Brenda L. Stembler. The Petitioners request relief from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a rear yard setback of 14 feet in lieu of the required 30 feet for a proposed one-story addition on the rear of the existing dwelling in accordance with Petitioner's Exhibit 1.

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted and there being no requests for public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioners have filed the supporting affidavits as required by Section 26-127 (b)(1) of the Baltimore County Code. Based upon the information available, there is no evidence in the file to indicate that the requested variances would adversely affect the health, safety or general welfare of the public and should therefore be granted. In the opinion of the Zoning Commissioner, the information, pictures, and affidavits submitted provide sufficient facts that comply with the requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the

B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the B.C.Z.R. having been met, and for the reasons set forth above, the relief requested should be granted.

THEREFORE. IT IS ORDERED by the Zoning Commissioner for Baltimore day of July, 1993 that the Petition for Administrative Variance requesting relief from Section 1802.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a rear yard setback of 14 feet in lieu of the required 30 feet for a proposed one-story addition on the rear of the existing dwelling, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restrictions:

> 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

> > Zoning Commissioner for Baltimore County

LES:bjs

- 2-

Variance Description

93-459-A Located on the northeast side of Thorncliff Road approximately 570' southeast of Belair Road and known as lot number 23, which is recorded in the land records of Baltimore County in plat book #13 folio #132 of the subdivision of Hawthorne #2. Also known as #4222 Thorncliff Road. Located in the 14th election district and containing approximately 5000 square feet.

472

Zoning Administration & Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204

receipt

Date 6 - 25-93 Owner: Charles M. Stembler JR. 1 site; 4222 Thorndithad. (21236)

6 Fee pard by N. Commodori.

010 - Variance _____ \$50. 00 1 = 080 - Sign + posting ____ 35.00

Baltimore County Government Zoning Commissioner Office of Planning and Zoning

Suite 113 Courthouse 400 Washington Avenue Towson, MD 21204

July 22, 1993

(410) 887-4386

Mr. & Mrs. Charles M. Stembler, Jr. 4222 Thorncliffe Road Baltimore, Maryland 21236

RE: PETITION FOR ADMINISTRATIVE VARIANCE NE/S Thorncliffe Road, 570' SE of Belair Road (4222 Thorncliffe Road) 14th Election District - 6th Councilmanic District Charles M. Stembler, Jr., et ux - Petitioners Case No. 93-459-A

Dear Mr. & Mrs. Stembler:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Administrative Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Zoning Administration and Development Management office at 887-3391.

> Very truly yours, LAWRENCE E. SCHMIDT Zoning Commissioner for Baltimore County

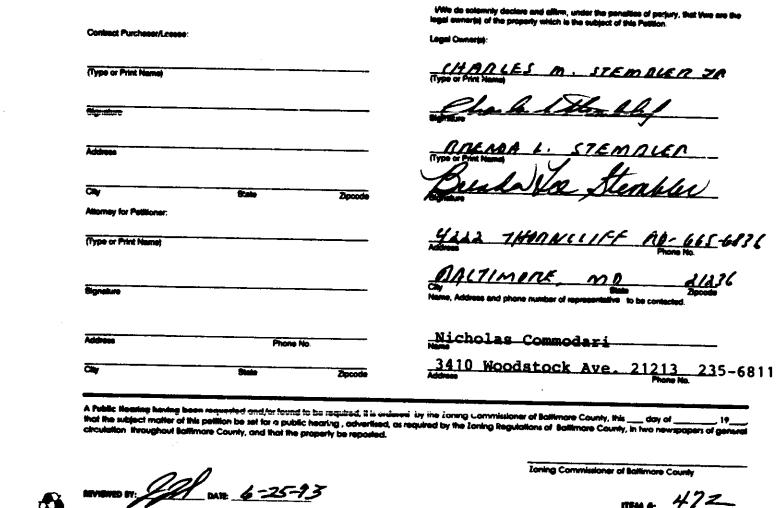
LES:bjs

cc: Mr. Nicholas Commadari 3410 Woodstock Avenue, Baltimore, Md. 21213

People's Counsel

File

Charles Jr. & Bronda STonblex Location of Store Facing Toodway on Proporty To be roud



Petition for Administrative Variance

he the property located at 4222 THORNCUFF ROAD - 1/256

This Pullian shall be filed with the Office of Zening Administration & Development Management.

The undereigned, legal owner(s) of the property cliuste in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s)

1902 3C 1 to normit

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (Indicate hardship or practical difficulty)

i, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Proposed addition is needed to afford our family

a rear yard setback of 14' in lieu of the required 30',

more room to enjoy a more comfortable living arrangement.

Due to the size of the lot, a variance would be required in

any location. If the variance is not granted , practical

difficulty and unreasonable hardship would result.

Property is to be posted and advertised as prescribed by Zoning Regulations.

mer of Baltimore County

1BO2.3C.1 to permit

which is presently send D.R. 5.5

Baltimore County Government Office of Zoning Administration and Development Management

111 West Chesapeake Avenue Towson, MD 21204

(410) 887-3353

ITEM #: 472

July 12, 1993

Mr. and Mrs. Charles M. Stembler, Jr. 4222 Thorncliff Road Baltimore, MD 21236

RE: Case No. 93-459-A, Item No. 472 Petitioner: Charles M. Stembler Jr., et ux Petition for Administrative Variance

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above referenced petition. The attached comments from each reviewing agency are not intended to indicate the appropriateness of the soning action requested, but to assure that all parties, i.e., Zoning Commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

Enclosed are all comments submitted thus far from the members of ZAC that offer or request information on your petition. If additional comments are received from other members of ZAC, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on June 25, 1993, and a hearing was scheduled accordingly.

The following comments are related only to the filing of future soning petitions and are aimed at expediting the petition filing process with this office.

1) The Director of Zoning Administration and Development Management has instituted a system whereby seasoned soning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a preliminary review by Zoning personnel.

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows: That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto. That the Affiant(s) does/do presently reside at 4222 7HONNUFF NORD BAITIMORE MD 2/236 That based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative Variance at the above address: indicate hardship or practical difficulty) Same reasons as listed on front. That Affinat(s) acknowledge(s) that if a protest is filed, Affinat(s) will be required to pay a reposting and advertising fee and BREMA L. STEMBLER I MURRENY CERTIFY, this 2 May of TUNE, 19 93, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared CHARLES M. STEMBLER IR AND BRENDE L. STEMBLER the Affante(s) herein, personally known or satisfactorily identified to me as such Affantt(s), and made cath in due form of law that the matters and facts hereinshove set forth are true and correct to the best of his/her/their knowledge and belief. AS WEITHING my hand and Noterial Seel. 6/5/93

Affidavit in support of Administrative Variance

Zoning Plans Advisory Committee Comments Date: July 12, 1993

2) Anyone using this system should be fully aware that they are responsible for the accuracy and completeness of any such petition. All petitions filed in this manner will be reviewed and commented on by Zoning personnel prior to the hearing. In the event that the petition has not been filed correctly, there is always a possibility that another hearing will be required or the Zoning Commissioner will deny the petition due to errors or incompleteness.

3) Attorneys, engineers and applicants who make appointments to file petitions on a regular basis and fail to keep the appointment without a 72 hour notice will be required to submit the appropriate filing fee at the time future appointments are made. Failure to keep these appointments without proper advance notice, i.e. 72. hours, will result in the forfeiture loss of the filing fee.

If you have any questions concerning the enclosed comments, please feel free to contact Helene Kehring in the Zoning Office at 887-3391 or the commenting agency.

> W. Carl Richards, Jr. Zoning Coordinator

WCR:hek Enclosures

c: Mr. Nicholas Commodari, 3410 Woodstock Avenue, Baltimore MD 21213

Maryland Department of Transportation State Highway Administration

O. James Lighthizer Secretary Hal Kassoff Administrator

7795

Ms. Helene Kehring Zoning Administration and Development Management County Office Building Room 109 111 W. Chesapeake Avenue Towson, Maryland 21204

Subdivision name: HAWTHORNE #2

plat book# 13 ,follo# 132 ,lot# 23 ,section#

OWNER: CHARLES + BRENDA STEMBLER

THORNCLIFF

Re: BACIC. (C., Item No.: + 477 (755)

Dear Ms. Kehring:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not effected by any State Highway Administration project.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

John Contestabile, Chief **Engineering Access Permits**

Teletypewriter for Impaired Hearing or Speech 383-7555 Baltimore Metro - 565-0451 D.C. Metro - 1-800-492-5062 Statewide Toll Free 707 North Calvert St., Baltimore, Maryland 21203-0717

Plat to accompany Petition for Zoning Variance Special Hearing
PROPERTY ADDRESS: #4222 THORNCLIFF RD. *** Pages 5 & 6 of the CHECKLIST for additional required infogmation

EXT. DWLC5

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

Arnold Jablon, Director Zoning Administration and Development Management

DATE: July 1, 1993

Pat Keller, Deputy Director Office of Planning and Zoning

Petitions from Zoning Advisory Committee

The Office of Planning and Zoning has no comments on the following petition(s): Item Nos. 449, 451, 452, 463, 464, 465, 486, 469 and 472.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3480.

PK/JL:lw

449.ZAC/ZAC1

LOCATION INFORMATION

1'-200' scale map#: NE 7.E

Zoning Office USE ONLY!

Councilmanic District:

Zoning: D.R. 5.5





Office of Zoning Administration and Development Management

111 West Chesapeake Avenue Towson, MD 2120+

JULY 1, 1993

NOTICE OF CASE NUMBER ASSIGNMENT

Baltimore County Government

TO: CHARLES AND BRENDA STEMBLER 4222 THORNCLIFE ROAD BALTIMORE MD 21236

Re: CASE NUMBER: 93-459-A (Item 472) 4222 Thorncliff Road NE/S Thorncliff Road, 570' SE of Belair Road 14th Election District - 6th Councilmanic

Please be advised that your Petition for Administrative Zoning Variance has been assigned the above case number. Contact made with this office regarding the status of this case, should reference the case number and be directed to 887-3391. This notice also serves as a refresher regarding the administrative process.

i) Your property will be posted on or before July 4, 1993 . The closing date (July 19, 1993) is the deadline for a neighbor to file a formal request for a public bearing. After the closing date, the file will be reviewed by the Zoning or Deputy Zoning Commissioner. They may (a) grant the requested relief, (b) deny the requested relief, or (c) demand that the matter be set in for a public hearing. You will receive written notification as to whether or not your petition has been granted, denied, or will go to public hearing.

2) In cases requiring public hearing (whether due to a neighbor's formal request or by Order of the Commissioner), the property will be reported and notice of the hearing will appear in a Baltimore County newspaper. Charges related to the reposting and newspaper advertising are payable by the petitioner(s).

3) Please be advised that you must return the sign and post to this office. They may be returned after the closing date. Failure to return the sign and post will result in a \$50.00 charge.

PLEASE UNDERSTAND THAT ON THE DATE AFTER THE POSTING PERIOD, THE PROCESS IS NOT COMPLETE. THE FILE MUST GO THROUGH FINAL REVIEW. ORDERS ARE NOT AVAILABLE FOR DISTRIBUTION VIA PICK-UP. WHEN READY, THE ORDER WILL BE FORWARDED TO YOU VIA FIRST CLASS MAIL.

CPS-008

JLP/dal

cc: File

93-459-A

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

Space shall comply with the 1991 Life Safety Code.

Site shall not interfere with Baltimore County's

Building shall comply with the 1991 Life Safety Code.

ZADM

800 Megahertz Radio Capability.

TO Zoning Advisory Committee

FROM Jerry L. Pfeifer, Captain Fire Department

No comments

No comments.

Did not receive plan.

SUBJECT July 12, 1993 - Meeting

Date____July 7, 1993

HK

